

A&I Human Resource Division

State of Wyoming
Executive Branch
Personnel Rules Update
March 2, 2015
Herschler Building 1699
1:30 p.m. – 3:30 p.m.

State of Wyoming Executive Branch Personnel Rules

Effective January 28, 2015

- Revised rules reduced from 18 chapters down to 11 chapters. Mostly removed language that was already set in State Statute.
- Review major changes in these rules chapter by chapter.
- All chapters filed with exception of Grievances and Appeals for Permanent Employees.

State of Wyoming Executive Branch Personnel Rules

Effective January 28, 2015

Chapter 1 – General Provisions

- Section 11 – Personnel Records – Required to follow an employee throughout the employee's career within the Executive Branch.
 - Follow the State Personnel Records Policy to determine what is included in the official Personnel Records, including insurance election etc.
 - Medical Files DO NOT transfer.
 - It is the responsibility of the employee to advise the new agency of any medical issues, if desired and to provide a proper release if the employee wants the new agency to receive a copy of the medical file.

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Chapter 1 – General Provisions (continued)

• Section 20 – Work Schedules

- Official State Workweek – Begins Saturday 12:01 a.m. through the following Friday 12:00 p.m. (not new)
 - Used to determine any Overtime under the Fair Labor Standards Act for non-exempt employees.
- Traditional Hours of Work: 8:00 a.m. – 5:00 p.m. Monday through Friday (not new)
 - All agencies required to maintain traditional hours of work to insure service to the public and other agencies.
- All employees required to maintain a set work schedule within the official (not new)

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Chapter 1 – General Provisions (continued)

- Section 20 – Work Schedules (continued)
 - An employee may request an alternative or variable work schedule in contract to the traditional hours of work.
 - Alternative work schedules are to be determined on a case-by-case basis by the agency head and supervisor, where creative work schedules have been shown to accomplish both work and personal goals, to provide coverage for the individual department operations and to serve the State as a whole with increase productivity at no expense to quality output.

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Chapter 1 – General Provisions (continued)

- Section 20 – Work Schedules (continued)
 - Various alternative work schedules options are available to State Employees, including:
 - **Flextime** - Ability to choose an arrival and departure time outside of the traditional 8:00 a.m. to 5:00 p.m. as their regular work schedule. (Does NOT require A&I HRD approval)
 - **Telework** – Allows state employees to conduct state business from an approved remote work site other than their regular office. (Requires Application, MOU, & approval of Agency head and copies sent to A&I HRD)
 - **Compressed Workweek** – A forty-hour (40) workweek completed in fewer than five days by increasing the number of hours worked per day. (Requires Approval of A&I HRD)
 - **Job-sharing** – two part-time employees assigned to the same position and job equivalent as one full-time employee. (Requires Approval of A&I HRD)

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Chapter 1 – General Provisions (continued)

- Alternative Work Schedule Options (continued)
 - **Flextime** – allows the employee, to choose an arrival and departure time outside of the traditional 8:00 – 5:00 p.m. as their regular work schedule.
 - Requires a flextime work agreement signed by the employee and approved by the agency head;
 - Arrival period shall be between 6:30 a.m. to 9:30 a.m.
 - Departure period shall be between 3:30 p.m. to 6:30 p.m.
 - The core period of the day when all employees shall be present at their assigned work station is 9:30 to 3:30 p.m.
 - Meal period shall be a minimum of one-half hour.
 - This does not require approval of A&I HRD, however if assistance or questions come up, please contact our staff.

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Chapter 1 – General Provisions (continued)

- Alternative Work Schedule Options (continued)
 - **Telework** – allows the employee to conduct state business from an approved remote work site other than their regular office.
 - **Regular** – Employee teleworks a predetermined schedule on a continuing regular basis consisting of one (1) to three (3) days per week;
 - **Project based** – temporary or project based for a defined time period.
 - **Medical** – may be on a full-time or part-time basis based on a documented medical need. Documentation is required from a health care provider.
 - All types require an application, a Telework Memorandum of Understanding (MOU) and written approval of the Agency Head.
 - This does not require approval of A&I HRD, however copies of all documents are required to be sent to A&I HRD.

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Chapter 1 – General Provisions (continued)

- Alternative Work Schedule Options (continued)
 - **Compressed Workweek** – A forty-hour (40) workweek completed in fewer than five days by increasing the number of hours worked per day. Examples:
 - **4-10's** - four-day workweek consisting of ten hour workdays
 - **Phoenix Schedule** – consisting of four-day workweeks consisting of nine hour workday, one eight-hour workday and receiving every other Friday off.
 - **Twelve-Hour or Twenty-four hour shifts** – Correctional settings or fire-fighting operations.
 - All compressed workweeks require approval of A&I HRD.

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Chapter 1 – General Provisions (continued)

- Alternative Work Schedule Options (continued)
 - **Job-sharing** – Two part-time employees assigned to the same position and job equivalent as one full-time employee or three part-time employees assigned to two positions.
 - Must ensure the continuity of the work being done at the same workstation with the individuals working as a team to accomplish the full-time position's duties.
- All job-sharing opportunities require approval of A&I HRD.

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Chapter 1 – General Provisions (continued)

- Alternative Work Schedule Options (continued)
 - The Agency head is responsible for identifying if any of the staffing options are workable within his or her agency. Including determining if the entire division or an entire unit or shift must be on one of the alternative scheduling options.
 - Requests for compressed workweek and job-sharing schedules shall be submitted to A&I HRD to assess overall feasibility, trial operations, and to ensure compliance with applicable laws.
 - Requests for any changes to the official workweek requires A&I HRD Approval.
- All agencies are requested to submit to A&I HRD current compressed workweeks, job-sharing and telework arrangements within your agency for review and approval.

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Chapter 2 – Recruitment and Appointment

Combined previous chapters 2, 3, 4,5 & 6 together into one chapter with few actual changes.

• Section 4 Candidate Group

- Permanent employee separated by a Reduction In Force (RIF)
 - Not new, but just a Reminder – automatically part of a candidate group for the classification held at the time of separation. Agencies need to track and include for any recruitments for a period of twenty-four (24) months.
- Requesting Agencies review and submit their RIF Divisions to A&I HRD (many changes in administrations since last updated; good management practice to periodically review)

• Section 7 Preconditions to Appointment

- Check applicant has an acceptable record of previous job performance. (not new)
 - Made easier by allowing the performance and / or disciplinary file of current and former state employees be made available to the hiring agency for final candidate(s) for appointment.

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Chapter 2 – Recruitment and Appointment

(Continued)

- Section 9 Types of Appointment
 - At-Will Contract Appointment
 - Requires signed written contract.
 - Requires description of the functions performed under the contract.
 - Salary and / or rates of pay shall be comparable to similar jobs in state government.
 - Salary and /or rates of pay shall NOT include adjustments for any type of benefit, including Leave, insurance premium, or retirement contributions. (Brand Inspectors exempt by statute and if approved by board).
 - Time does not count towards any state service.

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Chapter 2 – Recruitment and Appointment

(Continued)

- Section 9 Types of Appointment (continued)
 - Temporary Appointment
 - Only for appointments for period less than nine-months (most typically and originally for “Special Classified, TP01” classifications.
 - May be used when “temporarily” replacing another employee on educational or other extended leave (Military FMLA or Workers Compensation).
 - Can not receive successive temporary appointments in same classification within an agency within any twelve (12) month period.

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Chapter 2 – Recruitment and Appointment

(Continued)

- Section 9 Types of Appointment (continued)
 - **Interns**
 - Both paid and non-paid interns require justification and prior written approval of A&I HRD Administrator.
 - **Volunteers:**
 - Require justification and prior written approval of A&I HRD Administrator.
- If you are currently utilizing any interns and or volunteers in your agency, please submit justification to the A&I HRD Administrator for approval.

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Chapter 2 – Recruitment and Appointment

(Continued)

- Section 9 Types of Appointment (continued)
 - Involuntary Reassignment
 - Only allowed with Reduction In Force, Unsatisfactory work performance or other demonstrated reason affecting the accomplishment of program goals.
 - NO longer with an Agency Reorganization.
 - Jobs will be classified or reclassified due to an Agency Reorganizations through the classification process.

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Chapter 3 – Position Control

- Section 2 – Job Content Questionnaires.
 - Falsification of information in Job Content Questionnaires is grounds for disciplinary action up to and including dismissal.
 - Example: We are seeing many instances of employee's indicating they supervise specific employees during classification reviews and then a few months later they are not showing as being supervisors (PMI system).
 - Jobs will be looked at if this occurs.
- Section 3 – Task Assignment
 - Assignment of tasks, while it is a management right, agencies need to assign similar tasks to similar jobs at similar levels to reduce reclassifications to a higher level than budgeted.

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Chapter 4 – Position Classification – No major change.

Chapter 5 – Compensation – No major change.

- Overtime – Who is eligible?
 - Agency coordinates with A&I HRD to determine exempt & non-exempt status.
 - In event of disagreement, final determination is made by A&I HRD.

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Chapter 6 – Leave

- Section 1 (iii) – Service Credits
 - Reinstatement of Service Credits is **LIMITED** to a one-time occurrence.
 - Any employee who leaves state service and returns (after 1/28/2015) will receive prior service ONE time.
 - The employee will forfeit all prior service if subsequently rehired.
 - Example: Any current employee who quits and is rehired after 1/28/2015 will receive prior service credit upon initial rehire after 1/28/2015. If the employee quits again, and is rehired, no prior service credit is allowed.
 - Example: Applicant is hired after 1/28/2015 and has prior service. The employee receives credit for the prior service. If they quit and are rehired again, they do not receive any prior service.

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Chapter 6 – Leave (Continued)

• Section 2 – Donated Sick Leave

- Donating employee must maintain a minimum of 80 hours for their own use.
 - If an employee has a balance of 88 hours, they may only donate 8 hours.
 - This applies to donation to family members as well. They may still donate more than 16 hours as long as they have more than 16 hours to donate and still maintain the 80 minimum balance.
- No longer allow donations of sick leave outside of the Executive Branch of State Government.
 - This includes donations between Agencies and the University of Wyoming.

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Chapter 6 – Leave (Continued)

• Section 4 – Holiday Leave

- Holiday Leave means an employee will receive a maximum of 8 hours of “time off work”.
- They still receive their normal pay but don't have any hours deducted from any other accumulated balance.
- The date of the “leave” will change depending on the employee's regular scheduled day off.
 - Employee works Monday through Friday. Saturday and Sunday are regular days off.
 - January 1 falls on a Saturday, the Friday before is the day “OFF” OR
 - January 1 falls on a Sunday, the Monday following is the day “OFF”.

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Chapter 6 – Leave (Continued)

• Section 4 – Holiday Leave (Continued)

• State Holidays:

- January 1
- Third Monday in January (Martin Luther King, Jr.)
- Third Monday in February (President's Day)
- Last Monday in May (Memorial Day)
- July 4
- First Monday in September (Labor Day)
- November 11
- Forth Thursday in November
- December 25

• Most, but not everyone, works Monday through Friday.

- Employee works Saturday through Wednesday. Thursday and Friday are their normal day off.
- January 1 falls on a Thursday. This employee would get Wednesday “off” and M-F employees would get Thursday off.

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Chapter 6 – Leave (Continued)

- Section 4 – Holiday Leave (Continued)
 - There are some instances, (mostly in 24/7/365 operations) the employee may not be able to take another day off as required by rules due to shortage of staff, scheduling etc.
 - In these instances, the employee may elect to receive the amount of time off in the form of pay instead. Payable at Straight time.

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Chapter 6 – Leave (Continued)

• Section 4 – Holiday Leave (Continued)

• Don't confuse time off with Holiday Premium Pay!

- Only when an employee actually works on the day listed previously do they receive 1½ times their regular rate of pay (Holiday Premium Pay).
 - Employee works Monday through Friday. Saturday and Sunday are regular days off.
 - January 1 falls on a Saturday, the Friday before is the day “OFF”
- IF the employee actually works on Saturday, January 1, they would receive premium pay at 1½ times their regular rate of pay.
 - If the employee works on Friday, December 31, (the day they were supposed to have “OFF”) they do not receive holiday premium. They would receive pay at straight time in lieu of the time “off”.

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Chapter 6 – Leave (Continued)

- Section 10 – Educational Leave
 - Probationary employees are not eligible for educational leave until they complete their probationary period.
- Section 14 – Leave Without Pay
 - Accumulated leave is not allowed to be used during a furlough due to lack of funding.
 - Contact our staff if you are in a furlough situation for exempt employees.
- Section 16 – Family and Medical Leave Act
 - Basically no changes, just removed language that was in federal law.
 - We plan on more specific training in the near future.

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Chapter 7 Discipline

- Section 2 –
 - changed language from “flagrant” to “serious”.
 - Most of the changes put into rules the practices that were already occurring.
 - Contact the Personnel Attorneys or our office if you have specific questions or need assistance.
- NO Chapter 8 – We will be opening the chapter on Grievances and Appeals for Permanent Employees in the near future for public comments. It is anticipated to become Chapter 8.

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Chapter 9 Performance Management

- Section 4 – Conducting evaluation on probationary employees does not alter or change their probationary status.
- Provided Responsibilities and Consequences
 - Evaluator –
 - Complete ALL procedural requirements.
 - Failure will result in an unsatisfactory rating in the supervisor section.
 - Employee
 - Complete procedural requirements.
 - Failure to acknowledge receipt by signing the evaluation prevents the employee from being eligible for any pay increase and prevents an employee from grieving an overall “unsatisfactory” rating.
 - Agency HR Contact
 - Complete procedural requirements.
 - Failure may result in disciplinary actions for any individual not fulfilling their responsibilities.

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Chapter 9 Performance Management (continued)

- Section 10 – Performance Improvement Plan (PIP) for Permanent Employees.
 - Employee required to be placed on a 45-Day PIP upon receiving an overall “unsatisfactory” rating (immediately but no later than 15 days from evaluation).
 - At conclusion of the 45 day period, review deficiencies listed in PIP and if NO CHANGE:
 - Begin or continue disciplinary action; AND
 - Place employee on Second PIP not to exceed 45 days.
 - Second PIP can be closed prior to the end of 45 days if other action is taken OR at the end of the 45 days, review deficiencies and if no change begin or continue disciplinary action.
 - No more than TWO 45 day PIP allowed.
 - Specific Questions, please contact Lori Mischan.

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Chapter 9 Performance Management (continued)

- Section 12 – Performance Appeal for Permanent Employees.
 - Only OVERALL “unsatisfactory” ratings can be appealed through this Chapter and Section.
 - Specific Time periods are required to be followed.
 - **NOTE:** Failure to follow ANY procedure in the Performance Management Process allows an employee to grieve the procedural compliance up to the Agency Head through the Grievances and Appeals Chapter of these Rules.

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Chapter 10 Service and Recognition Awards

- Section 1 Non-Cash Service and Awards
 - A&I HRD will continue to issue the certificates and pins for service awards.
- Section 3 Recognition Awards. (numbering error will be corrected soon!)
 - Most recognition awards over a nominal value are considered “income” under IRS guidelines and are required to be reported as such.
 - Outlined the procedures to follow for recognition awards purchased with agency funds.
 - Outlined unacceptable recognition awards for employees.

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Chapter 11 Separation

- Combined the different chapters that dealt with leaving employment into one chapter.
 - Dismissal of non-permanent employees.
 - Separation.
 - Reduction in Force.

Chapter 12 Grievances and Appeals for Permanent Employees

- No changes made to this chapter.
 - Original intent to renumber Chapter 12 to Chapter 8 and repeal Chapter 12 did not occur and no changes were made at this time.
 - We are currently working on revising the Grievance and Appeals chapter and anticipate opening it for public comment in the very near future.

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Thank you for attending!

- Questions?